

AMENDMENTS TO THE DRAWINGS

Please replace Figures 1 and 2 with the attached Replacement Sheets.

Attachment: 2 Replacement Sheets (Figs. 1 & 2)

REMARKS

This Response, filed in reply to the Office Action mailed December 11, 2007, is believed to be fully responsive to each point of objection and rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Upon entry of accompanying amendment, claims 1-12 are all the claims pending in the instant application. Claim 13 has been canceled without prejudice. Claims 6-8 have been amended in order to more clearly set forth the claimed feature of the invention. No new matter has been introduced and entry of the amendment is respectfully requested.

Applicants thank the Examiner for withdrawing the Restriction Requirement of October 16, 2007 in favor of the current Office Action.

Applicants also thank the Examiner for considering Rothbard reference and WIPO documents, of which copies are inadvertently not included in the IDS filed January 19, 2006.

Abstract

A new Abstract on a separate amended sheet is provided herewith.

Drawings

In the Office Action, it is required to submit new corrected drawings in compliance with 37 C.F.R. § 1.121(d). In particular, the Office has proposed to submit actual pictures along with a required petition.

Replacement Drawings in color are submitted herewith. A petition to accept color drawings is also submitted with required fees. Furthermore, the specification is amended to include a required paragraph regarding drawings in color.

Claim Objections

On page 3 of the Office Action, claims 6 and 7 are objected to as being of improper dependent form or containing improper multiple dependency.

In response, claims 6 and 7 have been amended. In particular, claim 6 has been amended to recite the definitions of the functional groups.

Therefore, the accompanying amendment renders the objection moot and withdrawal of the objection is respectfully requested.

Double Patenting

On page 4-5 of the Office Action, claim 6 is objected to as allegedly being a substantial duplicate of claim 1.

Applicants note that the Office intends to object claim 8, rather than claim 6. In the accompanying amendment, claim 8 has been amended to include “the drug or diagnostic reagent” in the composition, as the Office has suggested.

Accordingly, it is believed that the objection is rendered moot and its withdrawal is respectfully requested.

Claim Rejections-35 U.S.C. §112, 2nd paragraph.

On pages 5-6 of the Office Action claim 6, 7, 9-12 and 13 are rejected under 35 U.S.C. § 112, second paragraph.

Without conceding the rejections, Applicant amends claims, in order to advance the prosecution of the application. That is, claim 6 has been amended as suggested by the Office.

Support of the amendment may be found by, for example, the disclosure of the specification, page 13 (“Scheme 5”).

Rejection of Claim 7, for its depending from a rejected base claim 6, is consequently rendered moot by the amendment to claim 6.

Claim 8 has been amended to recite that the claimed composition requires the drug or diagnostic reagent, as suggested by the Office. Accordingly, the rejection of claims 9-12, which are depending from claim 8, is rendered moot.

Claim 13 has been canceled.

Accordingly, all of the rejections under 35 U.S.C. § 112, second paragraph are rendered moot by the accompanying amendment and their withdrawal is respectfully requested.

Claim Rejection-35 U.S.C. §101

On page 6 of the Office Action, claim 13 is rejected as being an improper process claim under 35 U.S.C. § 101.

For the purpose of compact prosecution, Applicants have canceled claim 13 without prejudice. Therefore, the rejection of claim 13 is rendered moot and its withdrawal is respectfully requested.

Claim Rejections-35 U.S.C. §112, 1st para.

On pages 6-7 of the Office Action, claims 1-13 are rejected as allegedly lacking enabling disclosure. The Office recognizes that the specification is enabling for delivering a drug or diagnostic agent across a cellular membrane into a cell.

Applicants note that claims 1-7 are directed to a compound per se and a method for producing the compound. There should be no requirement or need to restrict use of the claimed compound of claims 1-6 or the compound produced by the method of claims 7-8. Therefore, Applicants understand that, even though claims 1-13 are rejected, the section 112, first paragraph rejection applies to claims 8-13 directed to a composition for a certain use.

At this juncture, claim 8 is amended to remove the phrase “or a nucleus” and to add “and the drug or diagnostic reagent.” The amended claim 8 renders the rejections under 35 U.S.C. § 112, first and second paragraphs.

The rejections of claims 9-12 are rendered moot, at least due to their dependency to claim 8.

Claim 13 has been canceled without prejudice.

Accordingly, the rejections are not sustainable and their withdrawal is respectfully requested.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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